

REMARKS

The Office Action stated that claims 8, 9, 12 and 18-20 are allowed, and that claim 6 defines patentable subject matter and would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for the indication of allowable subject matter.

Claims 1-20 remain pending in the application. Reexamination and reconsideration of the application are respectfully requested in view of the following remarks.

35 U.S.C. § 103

The Office Action rejected claims 1-5, 10, 11 and 13-17 under 35 U.S.C. § 103 over Torihara et al. U.S. Patent 4,714,983 ("Torihara"), in view of Lee et al. U.S. Patent 6,295,105 ("Lee"), and claim 7 under 35 U.S.C. § 103 over Torihara in view of Lee and Bechtel et al. U.S. Patent Publication 2001/0043294 ("Bechtel").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

The Office Action cites the device shown in FIG. 12 of Torihara as allegedly disclosing many of the elements of claim 1.

However, among other things, in the device of claim 1, the channels are covered with a reflecting layer at their upper sides and the coupling of the light into the optical waveguide plate takes place through side walls of the channels.

The Office Action fairly admits that Torihara does not disclose the reflecting layer at the upper side of the channel.

Instead, the Office Action states that Lee discloses such a feature and that:

"It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the upper side of the

channel in Torihara et al. with reflecting layer as taught by Lee et al. for the purpose of reflecting the light emitted from the light source.”

Applicant respectfully traverses that statement, and traverses the proposed combination of Torihara and Lee.

As disclosed in Torihara, the upper side of the channel 122 is covered with a “light amount adjusting filter means 127.” Torihara teaches that light should be coupled into the light guide 121 from the upper face of housing 122 through the light amount adjusting filter means 127 in order to eliminate luminescence unevenness and color irregularity of the backlighting device 120. See Torihara at col. 1, lines 52-59. So, in the device of FIG.12, Torihara teaches that it is important that the upper side of the housing 122 be adapted to pass light therethrough (in direct contrast to being covered with a reflecting layer).

Furthermore, Torihara goes even further, teaching that the “light amount adjusting filter means 127” should best be replaced with a “light scattering section 5” formed of a resin containing a light scattering agent “so as to scatter the light irradiated from the light source element L before exiting the upper face 2.” Torihara at col. 8, lines 14-22.

So, the disclosure and teachings of Torihara are that light should enter the light guide through the upper side of the channel. That is, Torihara teaches away from covering the channel with a reflecting layer that would reflect the light back into the channel to emerge from the side walls of the channel!

Accordingly, Applicant respectfully submits that Torihara is not properly combinable with Lee or any other reference to add any feature that the channels are covered with a reflecting layer at their upper sides. In this regard, Applicant notes that M.P.E.P. § 2145 states the following:

“References Cannot Be Combined Where Reference Teaches Away from Their Combination”

and

“It is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).”

Therefore, Applicant respectfully traverses the proposed combination of Torihara and Lee, or any other proposed modification of the device disclosed by Torihara that is contrary to its teachings that the upper face of the housing must be adapted to transmit light into the light guide.

Accordingly, for at least these reasons, Applicant respectfully request that the rejection of claim 1 over Torihara and Lee be withdrawn, and that claim 1 be allowed.

Claims 2-5, 10-11 and 13-17

Applicant respectfully submits that claims 2-5, 10-11 and 13-17, dependent from claim 1, are also allowable for similar reasons to those set forth above for claim 1 above.

Claim 7

Claim 7 depends from claim 1. Applicant respectfully submits that Bechtel fails to remedy the shortcomings of the prior art with respect to claim 1 as discussed above. Accordingly, claim 7 is deemed allowable for similar reasons to those set forth above for claim 1 above.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-20, and pass the application to issue. In the event that there are any outstanding matters


remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.

Date: 11 August 2003

By: 
Kenneth D. Springer
Registration No. 39,843

VOLENTINE FRANCOS, P.L.L.C.
12200 Sunrise Valley Drive, Suite 150
Reston, Virginia 20191
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877